

**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17**

No. F. 11(894)/DERC/2012-13/3806/2249

**Petition No. 13/2013**

**In the matter of:**     Petition under Section 142 of the Electricity Act, 2003

**In the matter of:**

Uma Jain  
B-94, Gali no. 10  
Shashi Garden  
Patpar Ganj  
Delhi

**...Petitioner**

**Versus**

M/s BSES Yamuna Power Ltd.  
Through its : CEO  
Shakti Kiran Building  
Karkardooma  
Delhi-110092

**...Respondent**

**Coram:**

**Sh. P. D. Sudhakar, Chairperson & J. P. Singh, Member.**

**Appearance:**

1. Sh. Sanjeev Jain, on behalf of Petitioner;
2. Sh. Manish Srivastava, Advocate for Respondent;
3. Sh. Imran Siddiqi, Legal Officer, BYPL;
4. Sh. Munish Nagpal, BYPL.

**ORDER**

(Date of Hearing: 03.10.2013)  
(Date of Order: 14.10.2013)

1.     The instant petition has been filed by Uma Jain, under Section 142 of the Electricity Act, 2003 against BSES Yamuna Power Ltd. for violation of the procedure laid down in Regulation 52 of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2.     In her petition, the Petitioner has alleged that on 16.12.2011, an inspection was conducted by the officials of the Respondent. However, the Inspection team did not show the photo ID card to the petitioner before

entering the premises. She also alleged that neither detailed report nor seizure memo was prepared on site and handed over to her and therefore, the Respondent has made the following violations:

- i. Regulation 52(iii)-The Respondent failed to produce any proof of identity or visiting card.
  - ii. Regulation 52(iv) & (v)-The Respondent failed to prepare any report giving details of inspection of the premises.
  - iii. Regulation 52(viii)- No Seizure memo was prepared when the inspection was conducted.
  - iv. Regulation 52(ix)-No report was handed over to the petitioner.
3. Notice of the petition was issued on 19.02.2013 to Respondent to file its reply.
  4. In response to the above notice, the Respondent filed its reply on 14.08.2013 and has denied all allegations and sought dismissal of the above complaint on the following grounds:
    - i. The present complaint is liable to be dismissed at the outset, as the same does not even satisfy the requirements for invoking Section 142 of Electricity Act, 2003.
    - ii. The Commission has no jurisdiction to entertain the present complaint.
    - iii. A Criminal complaint no. 18 of 2012 between the parties is pending before Special Electricity Court.
  5. The matter was listed for hearing on 03.10.2013 whereby representatives of both the parties were present.
  6. The Commission heard both the parties at length. On the basis of pleadings and oral submissions of both parties and considering the material available on the record, the Commission is of the opinion that the petition may be admitted as the Respondent prima-facie appears to be responsible for the following violations:-

**A. Violations of Regulation 52 (iii) of DERC Supply Code, 2007**

As per above Regulation, Authorised Officer shall carry along with them their Visiting Cards and Photo Identity Cards. Photo ID card should be shown and Visiting Card handed over to the consumer before entering the premises.

The Commission observed that the Respondent prima-face failed to prove that ID card were shown and Visiting Card were handed over to the consumer before entering the premises.

**B. i. Violations of Regulation 52 (iv) & (v) of DERC Supply Code, 2007**

As per the above Regulation, the Authorised Officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention any irregularity noticed (such as tampered meter, current reversing transformer, artificial means adopted for theft of energy) as per format.

**ii. Violations of Regulation 52 (viii) of DERC Supply Code, 2007**

As per Regulation, it is mandatory on the part of the Respondent to prepare Seizure memo when the inspection was conducted.

**iii. Violations of Regulation 52 (ix) of DERC Supply Code, 2007**

As per above regulation, the Authorized Officer/ Respondent shall sign the search report including other members of the inspection and must be handed over to the consumer or his/her representative at site immediately under proper receipt. However, in case of refusal by the consumer or his/her representative to either accept or give a receipt, a copy of inspection report must be pasted at a conspicuous place in/outside the premises and photograph which could help them in establishing their case.

The Commission observed that in respect of aforesaid violations there is no proof on record to establish that the Respondent has made the Report and Seizure Memo on site and that these were handed over to the Petitioner or pasted at a conspicuous place in the premises.

7. In view of the above-mentioned findings, the Respondent is directed to show-cause as to why penal action under Section 142 of the Electricity Act, 2003, for violating the above-mentioned Regulations and provisions of law should not be taken against it. The Respondent is directed to file its reply within two weeks with service of a copy to the Complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.
8. The next date of hearing shall be intimated to the parties in due course.
9. Ordered accordingly.

Sd/-  
(J. P. Singh)  
Member

Sd/-  
(P. D. Sudhakar)  
Chairperson